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10638 U.S. PTO

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 8014-020-999 Total Pages 115

First Named Inventor or Application Identifier

Casida

Express Mail Label No. EV335858565US

APPLICATION ELEMENTS

See MPEP chapters 600 concerning utility patent application contents.

Address to:

**Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450**

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
3. ☒ Specification [Total Pages 84]
(preferred arrangement set forth below, MPEP 1503.01)
- Table of Contents
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description of the Invention (including drawings, if filed)
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. § 113) [Total Sheets 1]
5. ☒ Declaration and Power of Attorney [Total Sheets 6]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 C.F.R. § 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. ☒ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ paper
- c. ☒ Statement verifying identity of above copies

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ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. § 122 (b)(2)(i).
Applicant must attach form PTO/SB/35 or it's equivalent
17. ☒ Other: two (2) Powers of Attorney by Co-Assignee and Exclusion of Inventor(s); Transmittal of Formal Drawing; Formal Drawing

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 C.F.R. § 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 09/985,846 filed November 6, 2001, which is a divisional of U.S. Application No. 09/063,898, filed April 22, 1998, now U.S. Patent No. 6,319,497, issued November 20, 2001, which claims priority benefits of provisional application serial No. 60/044,532, filed April 23, 1997.

Prior application information: Examiner: Witz, Jean C.

Group Art Unit: 1651

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☒ Customer Number

20583

Insert Customer No.

or ☐ Correspondence address below

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



JONES DAY DOCKET NO. 8014-020-999

Express Mail No. EV335858565US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEPrior application: Examiner Witz, Jean C.Art Unit 1651

Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b), of pending prior application no. 09/985,846 filed on November 6, 2001, which is a divisional of U.S. Application No. 09/063,898, filed April 22, 1998, now U.S. Patent No. 6,319,497, issued November 20, 2001, which claims priority benefits of provisional application serial No. 60/044,532, filed April 23, 1997.

of Lester Earl Casida, Jr., Joseph Oliver Falkinham III, and Cody Christopher Cain

(inventor(s) currently of record in prior application)

for NON-OBLIGATE PREDATORY BACTERIUM BURKHOLDERIA CASIDAE AND USES THEREOF

(title of invention)

1. ☒ The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

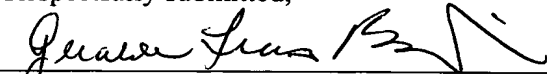
TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	18	- 20	0	\$18.00 each	\$ 0.00
Independent	4	- 3	1	\$86.00 each	\$ 86.00
Minimum Fee					\$ 770.00
Multiple Dependency Fee If Applicable (\$290.00)					\$ 0.00
Total					\$ 856.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 0.00
Total Filing Fee					\$ 856.00

2. ☒ Please charge the required fee to Deposit Account No. 16-1150. A copy of this sheet is enclosed.
- 3a. ☒ A Preliminary Amendment is enclosed.
- 3b. ☐ A new specification, substantially identical to the pending prior application and containing no new matter, is enclosed.
- 4a. ☒ New formal drawings are enclosed.
- 4b. ☒ Informal drawings are enclosed.

- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. § 119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☒ The prior application is assigned of record from the inventor Lester E. Casida, Jr. to The Penn State Research Foundation by virtue of an assignment recorded at Reel 9939, Frame 0919 on May 10, 1999; and from the inventors Joseph O. Falkinham, III and Cody C. Cain to Virginia Polytechnic Institute and State University by virtue of an assignment recorded at Reel 9939, Frame 0911 on May 10, 1999, and from Virginia Polytechnic Institute and State University to Virginia Tech Intellectual Properties, Inc. by virtue of an assignment recorded at Reel 9940, Frame 0284 on May 10, 1999.
- 7a. ☒ A copy of the Declaration and Power of Attorney filed in the prior application no. 09/985,846, filed November 6, 2001, is enclosed.
- 7b. ☒ Two Powers of Attorney by Co-Assignee and Exclusion of Inventor(s) are enclosed.
8. ☒ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 C.F.R. §§ 1.821-1.825. A paper copy of the Sequence Listing from is enclosed. It is requested that the Sequence Listing in computer readable form from prior application no. 09/985,846, filed November 6, 2001, which is from prior application no. 09/063,898, filed April 22, 1998, be made a part of the present application as provided for by 37 C.F.R. § 1.821(e). The sequence disclosed therein are the same as the sequence disclosed in this application.
9. ☒ The undersigned states, under 37 C.F.R. § 1.821(f), that the substantive content of the enclosed paper Sequence Listing is the same as the substantive content of the computer readable form submitted in prior application no. 09/985,846, filed November 6, 2001, which is from prior application no. 09/063,898, filed April 22, 1998.
10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. § 122(b).
11. ☒ Additional enclosures or instruction: Preliminary Amendment; Transmittal of Formal Drawing; Formal Drawing; Information Disclosure Statement; and List of References Cited by Applicant listing references AA-BX.

Respectfully submitted,

Date February 10, 2004


 Geraldine F. Baldwin 31,232
 JONES DAY (Reg. No.)
 222 East 41st Street
 New York, New York 10017

EXPRESS MAIL NO.: EV335858565US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Casida et al.	Confirmation No.:	To be assigned
Serial No.:	To be assigned (Continuation of U.S. Application No. 09/985,846, filed November 6, 2001)	Art Unit:	To be assigned
Filed:	Herewith	Examiner:	To be assigned
For:	NON-OBLIGATE PREDATORY BACTERIA <i>BURKHOLDERIA CASIDAE</i> AND USES THEREOF (as amended herein)	Attorney Docket No.:	8014-020-999

TRANSMITTAL OF FORMAL DRAWING

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

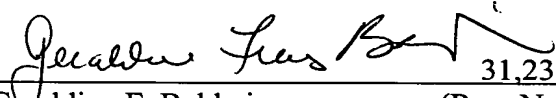
Sir:

Applicants submit herewith formal drawing in connection with the above-identified application. The formal drawing consists of one (1) sheet of drawing (corresponding to Figure 1).

Applicants respectfully request entry of the enclosed drawing in the file of the above-identified application.

Respectfully submitted,

Date: February 10, 2004


Geraldine F. Baldwin 31,232
(Reg. No.)

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Enclosures